

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re:

BENJAMIN HIRSCH,

Debtor.


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AMON, United States District Judge:

NOT FOR PUBLICATION
MEMORANDUM AND ORDER
05-CV-2266 (CBA)

On September 17, 2009, Gary Kushner ("Mr. Kushner"), a partner at the firm Forchelli, Curto, Deegan, Schwartz, Mineo, Cohn & Terrana LLP ("Forchelli, Curto"), filed a motion in this Court seeking to be relieved as counsel for Nachama Hirsch ("Mrs. Hirsch"). Mr. Kushner seeks relief from representing Mrs. Hirsch in case 05-cv-2266, an appeal by Mrs. Hirsch of an order of the Bankruptcy Court which determined that a judgment of divorce to be submitted in the State Court matrimonial proceeding would violate the automatic stay. The briefs have been filed and oral argument has already been held in this case. No work has been performed in this appeal by Forchelli, Curto on behalf of Mrs. Hirsch since October 2007. Although Mrs. Hirsch was served with a copy of Mr. Kushner's motion and affirmation in support, the Court did not provide a date for her to oppose Mr. Kushner's motion. The Court gives Mrs. Hirsch until Monday, February 22, 2010 to respond to Mr. Kushner's motion to withdraw.

SO ORDERED.

Dated: Brooklyn, New York
February 8, 2010

s/Hon. Carol B. Amon

Carol Bagley Amon
United States District Judge